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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/659,453      | 09/11/2000  | Dr. Bernhard Kaiser  | Q60663              | 5829             |

7590 05/23/2003  
Sughrue Mion Zinn Macpeak & Seas PLLC  
2100 Pennsylvania Avenue NW  
Washington, DC 20037-3213

EXAMINER

TRAN, QUOC DUC

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2643

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DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/659,453

Applicant(s)

KAISER, DR. BERNHARD

Examiner

Quoc D Tran

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/659,453.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "9" has been used to designate both service provider access and external access unit (i.e., personal access). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: pages 3 and 4 of the specification referenced different parts to a same character "9".

Appropriate correction is required.

### ***Claim Objections***

3. Claims 1-4 are objected to because of the following informalities: the phrase "the subscriber", "the exchange", "the tariff", "the CDR" and "the cost", etc. are used through out the claims that could be modified to improve claim language. Appropriate correction is required.

4. Claims 5-6 are objected to because of the following informalities: reference character "9" is referred to both service operator and data terminal and reference character "6" is referred to both tariff server and bill server. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Cameron et al (6,317,490).

Conisder claim 1, Cameron et al teach a process for signaling cost information in a telecommunications network (*see abstract*) comprising the steps: the subscriber's data terminal (1) establishes a connection to an exchange (2) (*see col. 2 lines 31-37, lines 54-66; col. 4 lines 59-65*), the exchange has a call handling function (6) (*see col. 4 line 57 – col. 5 line 17*) which makes a tariff request (10) to a tariff server (4) (*see col. 5 lines 2-34; lines 52-57*), the tariff server sends a tariff response (11) for the requested connection to the call handling function (6) of the exchange (2) (*see col. 5 lines 52-67*), the call handling function (6) forwards the tariff response (11) to a CDR generating function (7) in the exchange (*see col. 4 lines 39-56; col. 6 lines 50-60*), the CDR generating function (7) forwards cost information to the cost communication function (8) of the exchange (2) (*see col. 4 lines 39-56; col.6 lines 50-60*) , the cost communication function (8) communicates the cost information to the subscriber's data terminal (*see col. 2 lines 30-37; col.6 lines 50-60*).

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Consider claim 2, Cameron et al teach a process for signaling cost information characterized in that the tariff server has access to a subscriber database containing current tariff data (see col. 3 lines 18-48).

Consider claim 3, Cameron et al teach a process for signaling cost information characterized in that the current costs are updated upon the connection establishment and/or during the existing connection (see col. 6 lines 1-20, lines 50-65).

Consider claim 4, Cameron et al teach a process for signaling cost information characterized in that the information of the tariff server (4) is updated with the aid of a bill server (5) (see col. 6 lines 1-20, lines 50-65).

Consider claim 5, Cameron et al teach a tariff server (4) with connections to the exchange (2) to a bill server (5) (see Fig. 6; col. 5 lines 12) to a service operator (9) (i.e., subscriber administration) to a data terminal (1) of subscribers (see Fig. 1; col. 2 lines 30-60) wherein the tariff server (4) has a charging rate function (13) (see col. 5 lines 2-12) which is connected to a subscriber database (14) (see Fig. 6; col. 3 lines 18-45).

Consider claim 6, Cameron et al teach a tariff server (6) characterized in that the subscriber database (14) is adapted to the current cost situation by current data of the bill server (5) (see col. 3 lines 18-48; col. 6 lines 1-20, lines 50-65).

### Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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Facsimile responses should be faxed to:

**(703) 872-9314**

Hand-delivered responses should be brought to:

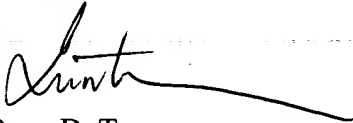
Crystal Park II, 2121 Crystal Drive

Arlington, VA., Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(703) 306-5643**. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(703) 306-0377**.



Quoc D. Tran  
Patent Examiner AU 2643  
May 20, 2003